

In re: Navarro Acevedo *et al.*  
Appl. No.: 09/945,376  
Filed: August 31, 2001  
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Amendments to the Claims:

Please amend claims 1, 2, 5, 9, 12, 13 and 17 as follows:

1. (Currently amended) An isolated nucleic acid molecule having a nucleotide sequence for a promoter that is capable of initiating transcription in a plant cell, wherein said nucleotide sequence for said promoter is selected from the group consisting of:
  - a. a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;  
and
  - ~~b. a nucleotide sequence comprising at least 30 contiguous nucleotides of the sequence set forth in SEQ ID NO:3; and~~
  - eb. a nucleotide sequence that hybridizes under stringent conditions to a the sequence of a), wherein said stringent conditions comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C, and a wash in 0.1X SSC at 60 to 65°C or b).
2. (Currently amended) A DNA construct comprising a the nucleotide sequence of claim 1 operably linked to a heterologous nucleotide sequence of interest.
3. (Original) A vector comprising the DNA construct of claim 2.
4. (Original) A host cell having stably incorporated in its genome the DNA construct of claim 2.
5. (Currently amended) A method for inducing expression of a heterologous nucleotide sequence in a plant, said method comprising transforming a plant cell with a DNA construct comprising said heterologous nucleotide sequence operably linked to a promoter that is capable of initiating transcription in a plant cell in response to a stimulus, regenerating a stably transformed plant from said plant cell, and exposing said plant to said stimulus, wherein said promoter comprises a nucleotide sequence selected from the group consisting of:

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- a. a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;  
and
  - ~~b. a nucleotide sequence comprising at least 30 contiguous nucleotides of the  
sequence set forth in SEQ ID NO:3; and~~
  - eb. a nucleotide sequence that hybridizes under stringent conditions to a the  
sequence of a), wherein said stringent conditions comprise hybridization in 50%  
formamide, 1 M NaCl, 1% SDS at 37°C, and a wash in 0.1X SSC at 60 to 65°C or b).
6. (Original) The method of claim 5, wherein said plant is a monocot.
7. (Original) The method of claim 6, wherein said monocot is maize.
8. (Original) The method of claim 5, wherein said plant is a dicot.
9. (Currently amended) A plant cell stably transformed with a DNA construct comprising a heterologous nucleotide sequence operably linked to a promoter that is capable of initiating transcription in said plant cell, wherein said promoter comprises a nucleotide sequence selected from the group consisting of:
- a. a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;  
and
  - ~~b. a nucleotide sequence comprising at least 30 contiguous nucleotides of the  
sequence set forth in SEQ ID NO:3; and~~
  - eb. a nucleotide sequence that hybridizes under stringent conditions to a the  
sequence of a), wherein said stringent conditions comprise hybridization in 50%  
formamide, 1 M NaCl, 1% SDS at 37°C, and a wash in 0.1X SSC at 60 to 65°C or b).
10. (Original) The plant cell of claim 9, wherein said plant cell is from a monocot.

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11. (Original) The plant cell of claim 10, wherein said monocot is maize.
12. (Currently amended) The plant cell of claim 9, wherein said plant cell is from a dicot.
13. (Currently amended) A plant stably transformed with a DNA construct comprising a heterologous nucleotide sequence operably linked to a promoter that is capable of initiating transcription in a plant cell, wherein said promoter comprises a nucleotide sequence selected from the group consisting of:
  - a. a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;  
and
  - ~~b. a nucleotide sequence comprising at least 30 contiguous nucleotides of the sequence set forth in SEQ ID NO:3; and~~
  - eb. a nucleotide sequence that hybridizes under stringent conditions to a the sequence of a), wherein said stringent conditions comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C, and a wash in 0.1X SSC at 60 to 65°C or b).
14. (Original) The plant of claim 13, wherein said plant is a monocot.
15. (Original) The plant of claim 14, wherein said monocot is maize.
16. (Original) The plant of claim 13, wherein said plant is a dicot.
17. (Currently amended) Transformed seed of the plant of any one of claims 13-16, wherein the seed comprises the DNA construct.

18 - 38 (Withdrawn)